

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

AARON MANOPLA and EVELYN
MANOPLA, on behalf of themselves and all
other similarly situated

Plaintiffs,

v.

HOME DEPOT USA, INC., ATLANTIC
WATER PRODUCTS and JOHN
DOES 1-25,

Defendants.

Civil Action No. 3:15-cv-01120-PGS-TJB

DECLARATION OF TODD M. FRIEDMAN

I, Todd M. Friedman, declare as follows:

1. I am one of the attorneys for the plaintiffs in this action, specifically, Aaron and Evelyn Manopla (“Plaintiffs”). I am an attorney licensed to practice law in the State of California since 2001, the State of Illinois since 2002, and the State of Pennsylvania since 2011. I have been continuously licensed in California since 2001, Illinois since 2002, and Pennsylvania since 2011, and am in good standing with the California State Bar, Illinois State Bar, and Pennsylvania State Bar. I have litigated cases in both state and federal courts in California, Colorado, Florida, Ohio and Illinois. I am also admitted in every Federal district in California and have handled federal litigation in the federal districts of California.

2. The declaration is based upon my personal knowledge, except where expressly noted otherwise.

3. I, along with DeNittis Osefchen Prince, P.C., am one of the lawyers primarily responsible for prosecuting Plaintiffs’ claims.

4. I submit this declaration in support of the Plaintiffs' Motion for Preliminary Approval of Class Action Settlement and Certification of Settlement Class in the action against defendants, Home Depot USA, Inc. and Atlantic Water Products. ("Defendants").

5. For the sake of brevity, Your Declarant adopts, ratifies and reaffirms the procedural history and description of the Settlement Agreement and allocation formula as described in the Declaration in Support of Ross H. Schmierer, as if it were set forth herein.

6. Based on my experience handling Plaintiffs' consumer protection work, including TCPA cases, I believe that the settlement is a terrific result, and in the best interest of the class. The settlement provides real monetary recovery for class members, and will act as a deterrent for future misconduct by actors considering activities proscribed by the TCPA.

7. The settlement was based upon extensive information obtained from Defendant and at all times the settlement negotiations were highly adversarial, non-collusive, and at arm's-length.

CLASS COUNSEL'S EXPERIENCE

8. The Law Offices of Todd M. Friedman, P.C. seeks appointment as Class Counsel in this Action. I am informed and believe that Class Counsel are qualified and able to conduct this litigation as a class action.

9. As one of the main plaintiff litigators of consumer rights cases in the Southern of California, I have been requested to and have made regular presentations to community organizations regarding debt collection laws and consumer rights.

10. I have extensive experience prosecuting cases related to consumer issues. My firm, The Law Offices of Todd M. Friedman, P.C., in which I am a principal, has litigated over 2000 individual based consumer cases and litigated over 100 consumer class actions. These class

actions were litigated in federal courts in California, Illinois, Pennsylvania, Colorado and Florida as well as California State Courts. Approximately 100% percent of my practice concerns consumer and employment litigation in general, with approximately 90% of my class action experience involving consumer protection, and approximately 10% percent of my class action practice involves litigating claims under the TCPA.

11. Therefore, my experience in litigating class actions and my years in practice allow me to provide outstanding representation to the Settlement Class. I will continue to strive to fairly, responsibly, vigorously and adequately represent the putative class members in this action.

12. I have served as plaintiff's counsel in at least the following cases involving various consumer rights claims (including class actions claims):

- a. *Vacarro v. I.C. Systems, Inc.*, 12-CV-02371-JAH-NLS (S.D. Cal.);
- b. *Rivera v. Nuvell Credit Company, LLC*, 13-CV-00164-TJH-OP (E.D. Cal.);
- c. *Dancer v. L.A. Times*, BC472154 (L.A. Superior Court);
- d. *Couser v. Comenity Bank*, 3:12-cv-02484-MMA-BGS (S.D. Cal.);
- e. *Stemple v. QC Financial Services Group of California, Inc.*, 3:12-cv-01997-CAB-WVG (S.D. Cal.);
- f. *Abdejalil v. GE Capital Retail Bank*, 3:12-cv-02078-IEG-RBB (S.D. Cal.);
- g. *Groina v. Doc Prep Solutions*, 3:12-cv-02578-BTM-BGS (S.D. Cal.);
- h. *Alexander v. Manasseh Jordan Ministries*, 3:12-cv-02584-IEG-BLM (S.D. Cal.);
- i. *Neuls v. Dish Network*, 1:13-cv-01181-WJM-KMT (D. CO.);
- j. *Lecesse v. My Financial Gateway*, 3:12-cv-02375-JLS-KSC (S.D. Cal.);
- k. *Auerbach v. Successful Education Online, LLC*, 3:12-cv-05248-JSC (N.D. Cal.);
- l. *Raffin v. E-Choice Healthcare, LLC*, 3:12-cv-02517-LAB-BLM (S.D. Cal.);

- m. *Olney v. Job.com*, 1:12-cv-01724-LJO-GSA (E.D. Cal.);
- n. *Couser v. Legal Shield*, 3:12-cv-02575-LAB-WVG (S.D. Cal.);
- o. *Langley v. Homeward Residential*, 2:12-cv-02623-JAM-EFB (E.D. Cal.);
- p. *Hunter v. Palisades Collection*, 3:12-cv-02401-JAH-JMA (S.D. Cal.);
- q. *Couser v. Worldwide Commerce Associates, LLC*, 3:13-cv-00118-H-BGS (S.D. Cal.);
- r. *Tarizzo v. United Agencies, Inc., et al.*, CV12-10248 JFW (MRWx) (C.D. Cal.);
- s. *Richard Chen v. National Enterprise Systems*, 3:12-cv-05910-JCS (N.D. Cal.);
- t. *Couser v. Apria Healthcare, Inc.*, 8:13-cv-00035-JVS-RNB (C.D. Cal.);
- u. *Willis, et al. v. Chase Retail Services, et al.*, CV12-10252 DMG (SHx) (C.D. Cal.);
- v. *French v. Target*, 0:13-cv-02626 (District of MN);
- w. *Williams v. Credit Management, LP*, 5:12-cv-01924-TJH-OP (C.D. Cal.);
- x. *Murdock v. Western Dental Services, Inc.*, 3:12-cv-02449-GPC-BLM (S.D. Cal.);
- y. *Senesac v. Santander*, 3:12-cv-1193-J-20JRK (M.D. FL.);
- z. *Kielbasinski v. American Publishing Co.*, 841 Civil 2012 (Somerset County, PA);
- aa. *Friedman, et al. v. United American Insurance Company*, 3:12-cv-02837-IEG-BGS (S.D. Cal.);
- bb. *Malis v. Saveology.com, LLC*, 2:13-cv-10013-BAF-LJM (E.D. MI.);
- cc. *Blotzer v. Vital Recovery Services, Inc.*, 3:13-cv-00119-H-JMA (S.D. Cal.);
- dd. *Friedman v. Massage Envy*, 2:13-cv-04607-JAK-FFM (C.D. Cal.);
- ee. *Labou v. Cellco Partnership, et al.*, 2:13-cv-00844-MCE-EFB (S.D. Cal.);
- ff. *Pacleb v. Career Education Corporation*, 2:13-cv-03090-R-FFM (C.D. Cal.);

- gg. *McNally v. Commonwealth Financial Systems, Inc., et al*, 3:12-cv-02770-IEG-MDD (S.D. Cal.);
- hh. *Franco v. Consumer Portfolio Services, Inc.*, 3:13-cv-01364-EDL (N.D. Cal.);
- ii. *Zimmer, Jr. v. 24 Hour Fitness, et al.*, NC057484 (L.A. Superior Court);
- jj. *Webb v. Healthcare Revenue Recovery Group, LLC*, 3:13-cv-00737-RS (N.D. Cal.);
- kk. *Couser v. Central Credit Services, Inc.*, 3:12-cv-02424-LAB-WMC (S.D. Cal.);
- ll. *Abdeljalil v. General Electric Capital Corporation*, 12-CV-02078-IEG-RBB (S.D. Cal.);
- mm. *Rivera v. Nuvell Credit Company, et al.*, 5:13-cv-00164-TJH-OP (C.D. Cal.);
- nn. *Blotzer v. Dura Medic, LLC*, 2:13-cv-00675-JAK-JCG (C.D. Cal.);
- oo. *Foote v. Credit One Bank*, 2:13-cv-00512-MWF-PLA (C.D. Cal.);
- pp. *Rodriguez v. Real Time Resolutions*, 3:13-cv-00728-JM-RBB (S.D. Cal.);
- qq. *Fox v. Asset Acceptance*, 3:13-CV-00922-DMS-BGS (S.D. Cal.);
- rr. *Couser v. Financial Recovery Services, Inc.*, 3:12-cv-02541-CAB-WVG (S.D. Cal.);
- ss. *Friedman v. LAC Basketball Club, Inc.*, 2:13-cv-00818-CBM-AN (C.D. Cal.);
- tt. *Chen v. Allstate Insurance Company, et al.*, 3:13-CV-00685-LB (N.D. Cal.);
- uu. *Eubank v. Terminix International*, 3:15-cv-00145-WQH-JMA (S.D. Cal.);
- vv. *Rowe v. Michaels Stores*, 15-cv-01592-EJD (N.D. Cal.);
- ww. *Hernandez v. Chevron*, 56-2015-00465135-CU-NP-VTA (Ventura County SC);
- xx. *Benotmane v. Midway Rent a Car*, BC560969 (LASC);
- yy. *Payton v. Luxe Valet*, BC588462 (LASC);

- zz. *Kellet, et al., v. Uber Technologies*, BC585704 (LASC); and
- aaa. *Starks v. Geico Indemnity Company*, Case No. CV-15-5771-MWF (PJW);
- bbb. *Nicole Romano, et al. v. SCI Direct, Inc.*, Case No. 2:17-cv-03537-ODW-JEM (C.D. Cal.);
- ccc. *Nicole Romano, et al. v. SCI Direct, Inc.*, Case No. 2:18-cv-02377-ODW-JEM (C.D. Cal.); and
- ddd. *Marko, et al. v. Doordash, Inc.*, BC659841 Los Angeles Superior Court.

13. Over the past three years alone, The Law Offices of Todd M. Friedman has served as plaintiff's counsel in at least the following class action cases involving various class actions claims consumer rights claims, where a settlement was reached on a class-wide basis, and have achieved over \$85,000,000 in class-wide relief for consumers:

- a. *Dancer v. L.A. Times*, BC472154 (L.A. Superior Court) (common fund class-wide settlement of \$3 million to \$4 million granted final approval);
- b. *Couser v. Comenity Bank*, 3:12-cv-02484-MMA-BGS (S.D. Cal.) (\$8.475 million class-wide settlement achieved and granted final approval);
- c. *Stemple v. QC Financial Services Group of California, Inc.*, 3:12-cv-01997-CAB-WVG (S.D. Cal.) (certified class achieved by motion, and subsequent class-wide settlement of \$1.5 million achieved, with final approval granted);
- d. *Couser v. Apria Healthcare, Inc.*, 8:13-cv-00035-JVS-RNB (C.D. Cal.) (common fund class-wide settlement of \$400,000 to \$750,000, granted final approval);
- e. *Abdeljalil v. General Electric Capital Corporation*, 12-CV-02078-IEG-RBB (S.D. Cal.) (class-wide settlement with common fund of \$6.125 million achieved, preliminary approval granted, final approval pending);

- f. *Fox v. Asset Acceptance*, 3:13-CV-00922-DMS-BGS (S.D. Cal.) (common fund of \$1 million in class-wide relief achieved, granted final approval);
- g. *Friedman v. LAC Basketball Club, Inc.*, 2:13-cv-00818-CBM-AN (C.D. Cal.) (class-wide settlement achieved and granted final approval);
- h. *Gerich, et al. v. Chase Bank USA, et al.* Case No 1:12-cv-5510 (N.D. Ill.) (class-wide settlement of \$34 million, granted final approval);
- i. *Than Zaw v. Nelnet, Inc.*, Penal Code § 632 class, (achieved class-wide settlement of \$1,188,110, granted final approval of court);
- j. *Medeiros v. HSBC*, (common fund settlement of between \$4.5 million and \$6.5 million achieved, preliminary approval granted);
- k. *Ann Fox v. Spectrum Club Holding Company, et al.*, Case No. 2:14-CV-06766-PSG-FFMx (class-wide settlement, preliminary approval granted);
- l. *Sayan Aboudi v. T-Mobile USA, Inc.*, Case No. 3:12-cv-02169-BTM-NLS (class-wide settlement in TCPA case, with common fund of \$2.5 million to \$5 million, with average per class member payment of \$500, final approval granted);
- m. *Andrew Roseman v. BGASC, LLC, et al.*, Case No. EDCV 15-1100-VAP (SPx) (C.D. Cal.) (class-wide relief achieved, final approval granted);
- n. *Everado Gonzalez v. The Scotts Company*, Case No. BC577875, Consolidated with Case No: BC570350 (LASC) (class-wide settlement of \$925,000 in wage and hour class action on behalf of approximately 603 employees achieved, final approval granted);

- o. *Payton v. Luxe Valet*, Case No. BC588462 (LASC) (class-wide settlement in wage and hour independent contractor misclassification class action, on behalf of 1,800 employees, settled for \$2.4 million, final approval granted);
- p. *Shelby v. Two Jinn, Inc.*, Case No. 2:15-cv-03794-AB-GJS (C.D. Cal.) (EFTA class action involving no cognizable actual damages, with net worth of company of \$25 million, settled for non-reversionary common fund of \$457,000, despite liability under 15 U.S. Code § 1693m(a) likely being only \$250,000; final approval granted, zero objections);
- q. *Couser v. Dish One Satellite*, Case No. 5:15-cv-02218-CBM-DTB (C.D. Cal.) (TCPA class action, final approval granted);
- r. *Couser v. Dish One Satellite*, Case No. RIC 1603185 (Riverside S.C.) (Penal Code 632 class action, preliminary approval pending);
- s. *Miller v. Pacific Auto Wash*, Case No. BC510734 (OCSC) (PAGA and Labor Code class action, preliminary approval granted);
- t. *Anne Wolf v. Hewlett Packard Company*, Case No. 5:15-cv-01221-BRO-GJS (C.D. Cal.) (CLRA class action certified by contested motion on behalf of tens of thousands of class members who purchased printer that was falsely advertised to include Smart Install feature, settled on a wider multi-state, multi-product basis, preliminary approval granted);
- u. *De La Paz v. Accurate Courier NCA, LLC*, Case No. 16CV00555 (wage and hour class action, preliminary approval granted);
- v. *Ross v. Zurixx, LLC*, Case No. 34-2016-00190874 (Sacramento SC) (UCL, FAL and CLRA class action alleging false advertising for real estate educational

courses, non-reversionary common fund settlement for over \$600 per class member, final approval granted);

w. *Eubanks v. Terminix International, Inc.*, Case No. 3:15-cv-00145-WQH-JMA (PAGA settlement reached in wage and hour action on behalf of pest control technicians, preliminary approval pending);

x. *Jonathan Weisberg, v. HD Supply, Inc.*, Case No. 15-cv-08248-FMO (MRWx) (class-wide settlement in TCPA class action, settled for \$1.225 million, final approval granted);

y. *Ryoo Dental, Inc. v. OCO Biomedical, Inc.*, Case No. 8:16-cv-01626-DOC-KES (TCPA fax blast class action, settled on class wide basis, preliminary approval granted);

z. *Sonia Barrientos v. Law Office of Jeffrey H. Jordan*, Case No. 2:15-cv-06282-JAK-GJS (FDCPA/RFDCPA letter class action, settled on class wide basis, preliminary approval granted);

aa. *Tahmasian v. Midway Rent A Car*, Case No. 30-2015-00813013-CU-OE-CXC (LASC) (PAGA and Labor Code class action, final approval granted);

bb. *Craig Cunningham v. Lexington Law Firm*, Case No. 1:17-cv-00087-EJF (N.D. UT) (TCPA class action MDL involving solicitation prerecorded voice calls made by a third party, vicarious liability alleged, preliminary approval pending);

cc. *Fernandez v. Reliance Home Services, Inc.*, Case No. BC607572 Los Angeles Superior Court (wage and hour plus PAGA class action, Final approval granted);

- dd. *Jaylinda Girardot, et al, v. Bail Hotline Bail Bonds, Inc.*, Case No. FCS048335 Solano County Superior Court (wage and hour plus PAGA class action, preliminary approval pending); and
- ee. *Wondra Curtis v. The Anthem Companies, Inc.*, Case No. 8:16-cv-01654-DOC-JCG (wage and hour class action for off the clock work, settled on class wide basis, preliminary approval pending).

14. My firm is also currently litigating the following cases which were certified as class actions under Rule 23 by contested motion:

- a. *Sheena Raffin v. Nationstar, Inc., et al.*, Case No. 2:15-cv-04912-MWF-PJW (C.D. Cal.) (Cal. Penal Code § 632.7 class action certified by Hon. George H. King Ret. under Rule 23(b)(2) and (b)(3) on behalf of class members whose calls were recorded without knowledge or consent);
- b. *Anne Wolf v. Hewlett Packard Company*, Case No. 5:15-cv-01221-BRO-GJS (C.D. Cal.) (CLRA class action certified on behalf of tens of thousands of class members who purchased printer that was falsely advertised to include Smart Install feature);
- c. *Caldera v. American Medical Collection Association*, (C.D. Cal.) Case No. 2:16-cv-00381-CBM-AJW (TCPA class action on behalf of 30,000-100,000 class members, certified by contested motion);
- d. *Alfred Zaklit, et al. v. Nationstar Mortgage, LLC*, Case No. 5:15-cv-02190-CAS-KK (C.D. Cal.) Cal. Penal Code § 632.7 (class action certified under Rule 23(b)(2) and (b)(3) on behalf of class members whose calls were recorded without knowledge or consent);

- e. *D'Angelo Santana v. Rady Children's Hospital*, Case No. 37-2014-00022411-CU-MT-CTL (San Diego Superior Court) Confidentiality of Medical Information Act, Cal. Civ. Code § 56 *et seq.*;
- f. *Edward Makaron v. Enagic USA, Inc.*, Case No. 2:15-cv-05145-DDP-E (C.D. Cal.) (TCPA class action certified on behalf of approximately 1,000,000 class members, potential damages over \$1 billion); and
- g. *Rodriguez v. Experian Information Solutions, Inc., et al.*, Case No. 2:15-cv-01224-RAJ (W.D. Wash.) (FCRA class action for improper credit pulls; certified under Rule 23).

I declare under penalty of perjury under the laws of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on May 23, 2019.

By: /s/ Todd M. Friedman
Todd M. Friedman, Esq.